

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

JANE DOE, et. al.,

Plaintiffs,

v.

SCHUYLKILL COUNTY, et. al.,

Defendants.

Civil Action No. 3:21-cv-00477

JOINT CASE MANAGEMENT PLAN

Having complied with the meet and confer requirements set forth in the Local Rules, or with any orders specifically modifying their application in the above-captioned matter, the parties hereby submit the following Joint Case Management Plan. The parties reached some general agreements but have differing views on certain points, which are described herein. The differences in proposed dates are based on the availability of multiple counsel and their respective trial schedules. The parties welcome a teleconference with this Honorable Court to discuss this submission.

MEDIATION:

The Defendants recommend a final mediation before expending resources for all pretrial matters proposed hereinafter. The assignment of a magistrate judge to mediate would be appreciated. Mediation should be conducted no later than **Tuesday, September 3, 2024**.

The Plaintiffs do not believe that an additional mediation would be productive and therefore believe it would be a waste of the parties and judicial resources and time.

Without waiving any objection to a mediation or settlement conference in this matter, should the Court order a mediation, the parties consent to Judge Susan E. Schwab.

EXPERT DISCOVERY:

The Defendants recommend that the parties be permitted to depose any expert on or before **Monday, September 30, 2024.**

The Plaintiffs believe that the time for expert depositions has passed. On May 24th, 2022, Judge Carlson, after a teleconference with the parties, issued an Order directing the parties to meeting and confer “and submit a joint revised comprehensive case management plan to the court...” *See DKT 152*. Thereafter, on June 7, 2022, the parties submitted a Joint Case Management Plan. *See DKT 152*. In the Joint Case Management Plan, the parties agreed that “[a]ll expert discovery [should be] commenced in time to be completed by: 104 days following Plaintiffs’ and Plaintiff-Intervenor’s expert report deadline.” *Id.* at p. 7 ¶ 6.7. Additionally, the parties agreed that the “[s]uggested date for *Daubert* motions” should be “14 days after the Court rules on any summary judgment motions...” *Id.* at p. 7 ¶ 6.9. Judge Carlson, on June 30, 2022, issued an Order which set Plaintiffs’ expert report and the fact discovery deadline as February 13, 2023. On March 14, 2024, this Honorable Court issued the last of five (5) Orders denying Defendants’ Motions for Summary Judgment.

In response, the Defendants do not believe depositions of experts was contemplated and that a “suggested date” for Daubert Motions is not an agreed or ordered deadline.

MOTIONS:

The parties recommend the following:

- All motions *in limine* shall be filed ninety (90) days before trial.
- Responses should be due 14 days from the filing of the Motions.
- Replies should be due 14 days from the filing of the Responses.

STIPULATIONS/EXHIBITS:

The parties recommend the following:

- Plaintiff shall propose stipulated facts and submit those proposed stipulated facts to Defendant thirty-five (35) days before trial.

Defendant shall state agreement or disagreement with each of Plaintiff's proposed stipulated facts and may counter-propose stipulated facts twenty-eight (28) days before trial.

- Plaintiff is obligated to respond twenty-one (21) days before trial.
- Counsel for each Party shall serve upon counsel for the other Party twenty-one (21) days before trial
 - a. A copy of each exhibit they expect to offer at trial in furtherance of their respective contentions. Each exhibit shall be marked as it will be marked for trial;
 - b. Curriculum vitae for each expert witness expected to testify; and
 - c. A specific identification of each discovery item expected to be offered into evidence.
- Counsel shall also provide the Court with one copy of all of these items, on three-hole punched paper, twenty-one(21) days before trial.
- As to documents listed in accordance with Fed. R. Evid. 803(6), as amended, notice in accordance with Fed. R. Evid. 902 (11) or (12) must be given twenty-one (21) days before trial.
- Any Party who intends to use deposition testimony at trial must submit deposition designations within thirty-five (35) days before trial.
- Counter-designations shall be submitted seven (7) days after designations.
- Objections to the designations shall be submitted seven (7) days after counter-designations.

PRETRIAL SUBMISSIONS:

The parties recommend the following:

- All Parties shall prepare and file with the Clerk of the Court their pretrial memoranda twenty- one (21) days before trial.

- No later than twenty-one (21) days before trial after meeting and conferring, the Parties shall jointly submit proposed jury *voir dire* questions, jury interrogatories, verdict sheets, and proposed jury instructions on three-hole punched paper. The Parties shall individually submit any proposed questions, interrogatories, sheets, or instructions upon which the Parties after conferring cannot agree. All questions, interrogatories, sheets, and instructions shall be submitted in paper form and on computer disk to the Court.

TRIAL:

The parties recommend the following:

- A pretrial conference should be scheduled for 14 days before trial at the Sylvia H. Rambo United States Courthouse located at North 6th Street, Harrisburg, PA 17102.
 - It is the responsibility of any trial counsel who cannot attend to contact the court as soon as any conflict becomes known so the court may consider rescheduling the conference.
 - Unless the court has otherwise granted permission, whoever attends the final pretrial conference will try the case.
 - Any pretrial or trial matter requiring attention of the judge prior to trial, not addressed above, shall be specifically addressed in the final pretrial conference.
- Plaintiffs anticipate their case in chief, including and accounting for cross examination by Defendants of all witnesses, to take approximately three to four (3 to 4) weeks.
- Defendants collectively anticipate the presentation of their defenses to take no more than two (2) weeks.
- The parties agree that due to the anticipated length of the trial, six (6) jurors should be selected with not less than four (4) alternates.
- Plaintiffs recommend a trial for this case shall begin on **Monday, October 28, 2024**, at 9:30 AM.

- Defendants recommend a trial for this case shall begin on **Monday, March 24, 2025**, at 9:30 AM.
- All parties agree that the trial in this matter should be held at the Sylvia H. Rambo United States Courthouse located at North 6th Street, Harrisburg, PA 17102.

Respectfully submitted,

/s/ Catherine W. Lowry, Esq.

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